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EXAMINER

BURGESS, BARBARA N

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,288

Applicant(s)

SUILA ET AL

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 56-75 is/are pending in the application.
4a) Of the above claim(s) 28-55 and 76-101 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 and 56-75 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-27-04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

PD

DETAILED ACTION

This Office Action is in response to Election/Restriction Requirement filed May 5, 2005. Group I, consisting of claims 1-27 and 56-75, has been elected by Applicant. Claims 28-55 and 76-101 have been withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 10, 13, 17-24, 27, 56-57, 59, 60, 64, 68-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Durst, Jr. et al. (hereinafter "Durst", 6,542,933 B1).

As per claims 1 and 56, Durst discloses a system and method for providing information concerning a consumer item to a user comprising:

- an object of interest (OI) identification information (OI-Id) provider, wherein the OI is a consumer item and said OI-Id provider is in a specific location (column 1, lines 32-35, column 5, lines 10-20);

Art Unit: 2157

- A portable shopping assistant (PSA) for receiving the OI-Id in the specific location and for transmitting the received OI-Id (column 1, lines 30-35, column 3, lines 25-30, column 5, lines 10-20, 39-42, 65-67, column 6, lines 1-2);
- An information server system (ISS) for receiving the OI-Id transmitted by said PSA, for matching the received OI-Id with a record containing consumer item information (P/S Info)-corresponding to the received OI-Id, for determining a communication method, and for transmitting the P/S--Info using the determined communication method (column 3, lines 1-15, 35-40, 65-67, column 4, lines 1-5, column 6, lines 11-22, 29-45);
- An output device for receiving P/S-Info from said ISS and outputting the P/S-Info to the user, said output device being separate from the PSA (column 3, lines 65-67, column 4, lines 1-7, column 6, lines 10-28);
- wherein the specific location is one of a location where the OI is present, a location having material associated with the OI, and a location where an event associated with the OI is taking place (column 1, lines 32-35, column 7, lines 51-60).

As per claims 2 and 57, Durst discloses the system and method of claims 1 and 56, wherein, in the location where an event associated with the OI is taking place, the associated event comprises one of a lecture, and a sports event (column 1, lines 32-35, column 7, lines 51-60).

As per claim 3, Durst discloses the system of claim 1, wherein the PSA comprises one of a cellular telephone, a personal digital assistant (PDA), a laptop computer, and a dedicated device (column 1, lines 27-35, column 3, lines 25-30, column 5, lines 35-42).

As per claim 4, Durst further discloses the system of claim 1, wherein the PSA receives 01-Id by one of radiofrequency (RF) communication, infrared (IR) communication, sonic communication, label scanning and manual entry (column 1, lines 27-35, column 3, lines 25-30, column 5, lines 35-42).

As per claim 5, Durst discloses the system of claim 1, wherein the OI-Id comprises a consumer item identification code (column 1, lines 23-30, column 3, lines 25-27, column 5, lines 10-20).

As per claim 6, Durst discloses the system of claim 1, wherein the PSA receives the OI-Id by short-range, low power radiofrequency (RF) technology (column 1, lines 27-35, column 3, lines 25-30, column 5, lines 35-42).

As per claims 10, 13, 17, 60, 64, 68, Durst discloses the system and method of claims 1, 13, 56, 64, wherein the PSA transmits the 01-Id by one of the Internet, a wired telephone network, a short-range, low power radio-frequency (RF) technology, a wireless local area network (WLAN), and a cellular telephone network (column 1, lines 27-35, column 3, lines 25-30, column 5, lines 35-42).

As per claims 20-22, 27, 59, 71-75, Durst discloses the system and method of claims 1, 20, 56, 71, wherein the ISS comprises:

- An 01-Id server for receiving the OI-Id, resolving a correct destination address for a P/S Info server which has the record containing the P/S-Info corresponding to the received 01-Id, and

transmitting a request for P/S-Info to a P/S-Info Server (column 3, lines 1-15, 35-40, 65-67, column 4, lines 1-5, column 6, lines 11-22, 29-45);

- Said P/S-Info server for receiving the request for P/S-Info, for finding the record containing the P/S-Info, and for transmitting the P/S-Info (column 3, lines 1-15, 35-40, 65-67, column 4, lines 1-5, column 6, lines 11-22, 29-45);
- Means for determining a user identification (UID) of a user of the PSA (column 3, lines 50-64, column 6, lines 23-28, column 7, lines 5-19);
- A user information (UID-Info) server containing UID-Info files sorted by user identification (UID) for matching a UID-Info file with said determined UID, wherein the UID-Info file comprises at least a communication destination address for the user (column 8, lines 1-55, column 10, lines 50-67, column 11, lines 1-25);
- means for transmitting said P/S-Info to the communication destination address in the matching UID-Info file (column 8, lines 1-55, column 10, lines 50-67, column 11, lines 1-25).

As per claim 23, Durst discloses the system of claim 22, further comprising:

- A public switched telephone network (PSTN) comprising the 01-Id server, the UID-Info server, and the means for determining a UID (column 8, lines 1-55, column 10, lines 50-67, column 11, lines 1-25);
- Wherein the means for transmitting the P/S-Info comprises the Internet (column 3, lines 1-15, 35-40, 65-67, column 4, lines 1-5, column 6, lines 11-22, 29-45).

As per claim 24, Durst discloses the system of claim 23, wherein the PIS-Info server is on the Internet and the P/S Info request and response is transmitted over the Internet (column 3, lines 1-25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 11, 14-15, 26, 61-62, 65-66, are rejected under 35 U.S.C. 103(a) as being unpatentable over Durst, Jr. et al. (hereinafter "Durst", 6,542,933 B1) in view of Sussman (US Patent Publication 2002/0161658 A1).

As per claims 7, 11, 15, 62, 66, Durst does not explicitly disclose the system and method of claims 6, 10, 13, 58, 64, wherein the short-range, low power RF technology comprises one of Bluetooth technology, IEEE 802.16 technology, and HiperLAN technology. However, the use and advantages of using Bluetooth is well known to one skilled in the relevant art at the time the invention was made as evidenced by Sussman (paragraphs [0039]-[0041]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Bluetooth in Durst's system in order for the scanner to automatically see if a registered base station is within 30 feet of it.

Art Unit: 2157

As per claims 14, 61, 65, Durst does not explicitly disclose the system and method of claims 13, 58, 64, wherein the broadcast network comprises one of a digital audio broadcast (DAB) system, a digital video broadcast (DVB) system, a satellite system, a microwave broadcast system, and a cable television system.

However, the use and advantages of using one of a digital audio broadcast (DAB) system, a digital video broadcast (DVB) system, a satellite system, a microwave broadcast system, and a cable television system is well known to one skilled in the relevant art at the time the invention was made as evidenced by Sussman (paragraphs [0028], [0030], [0039]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate using one of a digital audio broadcast (DAB) system, a digital video broadcast (DVB) system, a satellite system, a microwave broadcast system, and a cable television system in Durst's system in order to scan home appliances with bar codes.

As per claim 26, Durst does not explicitly disclose the system of claim 1, further comprising:

- a Bluetooth chip comprising the 01-Id provider;
- at least one broadcasting provider connected to the network for transmitting the P/S-Info, said at least one broadcasting provider comprising at least one of a digital audio broadcast (DAB) system, a digital video broadcast (DVB) system, a satellite system, a microwave broadcast system, and a cable television system.

However, the use and advantages of using Bluetooth is well known to one skilled in the relevant art at the time the invention was made as evidenced by Sussman (paragraphs [0039]-[0041]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Bluetooth in Durst's system in order for the scanner to automatically see if a registered base station is within 30 feet of it.

5. Claims 8-9, 12, 16, 25, 58, 63, 67, are rejected under 35 U.S.C. 103(a) as being unpatentable over Durst, Jr. et al. (hereinafter "Durst", 6,542,933 B1) in view of Sussman and in further view of Gottsman et al. (hereinafter "Gottsman", 6,134,548).

As per claims 8, 12, 16, 63, 67, Durst, in view of Sussman, does not explicitly disclose the system and method of claims 1, 10, 13, 58, 64, wherein the PSA is a cellular telephone, further comprising: a cellular telephone network for receiving the 01-Id transmitted by said cellular telephone and for transmitting the 01-Id to the ISS.

However, the use and advantages of using a cellular telephone as the PSA is well known to one skilled in the relevant art at the time the invention was made as evidenced by Gottsman (abstract, column 31, lines 17-20).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a cellular telephone in Durst's system in order to obtain definitive product identification by scanning a bar code.

As per claim 9, Durst, in view of Sussman, does not explicitly disclose the system of claim 1, wherein the PSA is a cellular telephone, said cellular telephone being registered to receive services of the consumer item information system by having appropriate information entered in a file of a subscriber database maintained by a cellular telephone system.

However, the use and advantages of using a registering the cellular telephone in a subscriber database is well known to one skilled in the relevant art at the time the invention was made as evidenced by Gottsman (abstract, column 31, lines 17-20, column 33, lines 15-36, column 34, lines 28-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate registering a cellular telephone in Durst's system in order to have information about the user.

As per claims 25, 58, Durst, in view of Sussman, does not explicitly disclose the system and method of claims 1, 56, further comprising:

- a cellular telephone comprising the PSA (column 31, lines 17-20, column 33, lines 15-36, column 34, lines 28-67);
- a short message service (SMS) system connected to a cellular telephone system and to the Internet, said cellular telephone being in a transmission area of said cellular telephone system, said SMS system for receiving the OI-Id, resolving a destination Internet Protocol (IP) address for a P/S-Info server which has the record containing the P/S-Info corresponding to the received OI-Id, resolving a destination IP address for the output device, and transmitting a request for P/S-Info containing the destination IP address of the output device over the Internet to the P/S-Info server; and
- said P/S-Info server connected to the Internet for receiving said request for P/S-Info, for finding the record containing the P/S-Info, and for transmitting the P/S-Info to the output device (column 31, lines 17-20, column 33, lines 15-36, column 34, lines 28-67).

Art Unit: 2157

However, the use and advantages of using a cellular telephone as the PSA is well known to one skilled in the relevant art at the time the invention was made as evidenced by Gottsman (abstract, column 31, lines 17-20).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a cellular telephone in Durst's system in order to obtain definitive product identification by scanning a bar code.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 20, 2004

Barbara N Burgess
Examiner
Art Unit 2157


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